

Applicants: Janaswamy Madhusudana Rao et al.
Serial No.: 10/695,471
Filed : October 28, 2003
Page 6

REMARKS

Claims 1-7, 9-12 and 53 were pending and under examination. Applicants have canceled claim 53 without disclaimer or prejudice. Applicants have amended claims 1, 3-4, 6 and 12.

Support for amended claim 1 may be found in the specification *inter alia* at page 4, lines 9-17.

Accordingly, claims 1-7 and 9-12 as amended will be pending in the subject application upon entry of this Amendment.

In view of the arguments below, applicants maintain that the grounds of the Examiner's rejections have been overcome, and respectfully request that these grounds of rejection be withdrawn.

Response to Examiner's Request for a Complete Reply

In the April 20, 2006 Communication, the Examiner asserted that the claimed invention, as amended in the Amendment in Response to July 29, 2005 Office Action, is independent or distinct from the invention as originally claimed. Specifically, the Examiner asserted that the claimed invention, as amended, attributes the functional effect of the claimed composition to treat gastric ulcer in terms of an additive effect of the claim-designated plants, instead of a synergistic effect of the claim-designated ingredients.

In response, Applicants have amended claim 1 to recite a composition similar in scope to claim 1 as originally claimed. Applicants point out that claim 1, as amended, further recites use of the claim-designated ingredients in about equal

Applicants: Janaswamy Madhusudana Rao et al.
Serial No.: 10/695,471
Filed : October 28, 2003
Page 7

proportions.

Applicants also point out that claim 1, as amended, is directed to a composition which has synergistic properties. In a composition claim it is not required to claim synergistic properties. Indeed, independent claim 5 recites a composition exemplified as composition "HF2" in the "Synergistic Effect Study" on page 18 of the subject specification.

As such, Applicants maintain that claimed invention, as amended herein, is not independent or distinct from the invention as originally claimed. Accordingly, Applicants request that this ground of objection be reconsidered and withdrawn.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

Applicants: Janaswamy Madhusudana Rao et al.
Serial No.: 10/695,471
Filed : October 28, 2003
Page 8

No fee, other than the \$2,160.00 for five-month extension, is deemed necessary in connection with the filing of this Amendment. However, if any other fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

 10/20/06
John P. White
Reg. No. 28,678
Date

John P. White
Registration No. 28,678
Attorneys for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400